

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3683

Dale Crombez

Examiner: Christopher P. Schwartz

Serial No.: 10/708,516

Filed: March 9, 2004

For: VEHICLE AND METHOD FOR CONTROLLING REGENERATIVE
BRAKING

Attorney Docket No.: 81044472 / FMC 1643 PUS

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief in response to the Examiner's Answer mailed on 31 July 2006. Appellants maintain the arguments stated in the Appeal Brief, and further clarify some of these arguments below.

In responding to Appellants' arguments—see Section 10, Response to Argument of the Examiner's July 31 Answer—the Examiner again states that the claim limitations of claims 1, 13 and 18 are taught by the Schneider and Hara et al. references because of the "undue breadth" of the claims. In particular, the Examiner states that certain claim limitations "are so broad in scope, and well known in the art, that they are not specifically mentioned in

CERTIFICATE OF ELECTRONIC FILING

This paper, including all enclosures referred to herein, is being electronically filed with the U.S. Patent and Trademark Office EFS-Web System on September 28, 2006.

prior art patents because they are inherent." Appellants respectfully disagree, and maintain that the claim limitations, when taken in their entirety, are not inherent or suggested by the cited combination of references.

By way of example, claim 1 recites limitations that clearly define a relationship between a determined first vehicle condition and a determined first predetermined value. In addition, claim 1 defines a relationship between a second vehicle condition and the first predetermined value, and uses that relationship to determine when to begin reducing regenerative braking torque to zero. With regard to Schneider, the Examiner states that "it should be readily apparent that a 'first vehicle condition or predetermined value', as broadly claimed by Applicants... must reach 'a second vehicle condition' when the vehicle enters ABS mode...." Here, the Examiner has again equated a first vehicle condition with a predetermined value. As recited in claim 1 of the application, the first predetermined value corresponds to the first vehicle condition, but is not the same element. Therefore, Appellants maintain that the Examiner's interpretation of claim 1—the interpretation upon which the Examiner bases the rejections—is incorrect. This same analysis applies with equal force to the rejections of independent claims 13 and 18.

In the July 31 Answer, the Examiner reiterates that vehicle conditions and predetermined values are "notoriously well known in the art." Appellants respectfully submit that each of the pending claims recites more than vehicle conditions and predetermined values. Indeed, using the method of claim 1 as an example, the limitations include: determining two vehicle conditions and a predetermined value corresponding to the first vehicle condition, and performing a step wherein regenerative braking torque is reduced to a known value—i.e., zero—starting at a clearly defined point as determined by the second vehicle condition and the predetermined value. Thus, there are well defined relationships between, and uses of, the vehicle conditions and predetermined value recited in claim 1—these conditions and values do

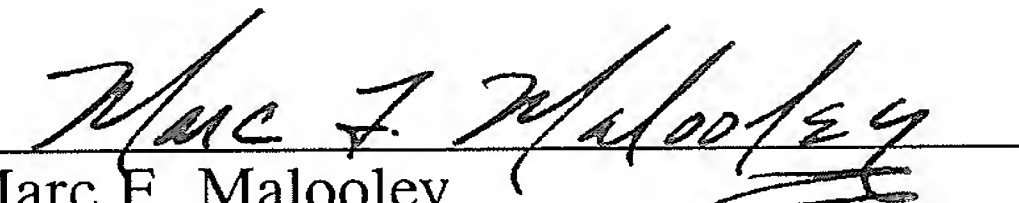
not exist in isolation. Again, the same analysis applies with equal force to independent claims 13 and 18.

For reasons given in the Appeal Brief and in this Reply Brief, Appellants maintain that the invention is patentable.

Please charge any fees or credit any overpayments as a result of the filing of this paper to Ford Global Technologies LLC Deposit Account No. 06-1510.

Respectfully submitted,

Dale Crombez

By: 
Marc F. Malooley
Registration No. 50,624
Attorney/Agent for Applicant

Date: September 28, 2006

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351